

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEORGE EDWARD McCAIN, an individual,

Plaintiff,

vs.

RAHAL LETTERMAN RACING, LLC, an Ohio limited liability co.; TIME, INC., a Delaware corporation d/b/a SPORTS ILLUSTRATED & PEOPLE MAGAZINE; GANNET CO., INC., a Delaware corporation d/b/a USA TODAY, PIONEER ELECTRONICS (USA), INC., a Delaware corporation; TOYOTA MOTOR SALES, U.S.A., INC., a California corporation; TABLE MOOSE MEDIA, LLC, an Indiana limited liability company d/b/a INDY MEN'S MAGAZINE; NORWALK FURNITURE CORPORATION, an Ohio corporation; FI MARKETING GROUP, INC., a New York corporation; MOTORSPORT.COM, INC., a Florida corporation; BRIDGESTONE/FIRESTONE INC., an Ohio corporation; CONSUMER ELECTRONICS ASSOCIATION; AMERICAN HONDA MOTOR CO., INC., a Delaware corporation; WORLDWIDE PANTS INCORPORATED, a New York corporation; BOBBY RAHAL AUTOMOTIVE GROUP; LOGICALIS, INC., a New York corporation; THE TIMKEN COMPANY, an Ohio corporation; INTERNATIONAL MOTOR SPORTS ASSOC.; CRASH MEDIA GROUP, LTD., a foreign (U.K.) company; AMERICAN LE MANS SERIES LLC, a Georgia limited liability company; BEA SYSTEMS, INC., a Delaware corporation; GAWKER MEDIA LLC, a Delaware corporation; TIMES PUBLISHING COMPANY, a Florida corporation d/b/a ST. PETERSBURG TIMES; RACEFAN, INC., a corporation; HOWDEN MEDIA GROUP, a foreign (Canada)

CASE NO. 07-CV-5729 (JSR)

**[PROPOSED] ORDER RE MOTION TO
TRANSFER CASE**

company; NATIONAL LEDGER, LLC, an
Arizona limited liability company; DANIEL
VIELHABER d/b/a
INDYMOTORSPEEDWAY.COM; SANDRA
KINSLER d/b/a WOMANMOTORIST.COM;
and ELLEN EMERSON d/b/a
HONDABEAT.COM,

Defendants.

The Court, having received the motion of defendants Rahal Letterman Racing, LLC, and Bobby Rahal Automotive Group to transfer this case to the Central District of California (the "Motion"), having read and considered all pleadings submitted in connection with the Motion, and having considered all arguments of counsel, and good cause appearing therefore:

The Motion is granted.

Dated: _____
City, State: _____, New York

United States District/Magistrate Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1875 Century Park East, Suite 2200, Los Angeles, California 90067-2523.

On **July 27, 2007**, I served the foregoing document described as **[PROPOSED] ORDER RE MOTION TO TRANSFER CASE** on all interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED LIST

- ☐ **BY MAIL:** I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.
- ☐ **BY FACSIMILE:** At or before 5:00 p.m., I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (310) 553-1540. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.
- ☒ **BY FEDEX:** I deposited such document(s) in a box or other facility regularly maintained by FedEx, or delivered such document(s) to a courier or driver authorized by FedEx to receive documents, in an envelope or package designated by FedEx with delivery fees paid or provided for, addressed to the person(s) being served.
- ☐ **BY PERSONAL SERVICE:** I delivered such envelope(s) by hand to the office of the person(s) being served.
- ☐ **BY PERSONAL SERVICE:** I personally delivered such envelope(s) directly to the person(s) being served.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 27, 2007, at Los Angeles, California.


L. K. Snyder

George Edward McCain v. Rahal Letterman Racing, LLC, etc., et al.
United States District Court Southern District of New York
Case No. 07-CV-5729 (JSR)

SERVICE LIST

John Pelosi, Esq.
Pelosi, Wolf, Effron & Spates LLP
233 Broadway, 22nd Floor
New York, NY 10279
Telephone: 212.334.3599
Facsimile: 212.571.9149
E-Mail: jpelosi@pwes.com

Counsel for Plaintiff, George Edward McCain

Jason M. Gonder, Esq.
Milbank, Tweed, Hadley & McCloy LLP
One Chase Manhattan Plaza
New York, NY 10005-1413
Telephone: 212.530.5131
Facsimile: 212.822.5131
E-Mail: jgonder@milbank.com

Counsel for Defendant, BEA Systems, Inc.

Carl E. Person, Esq.
Attorney at Law
325 West 45th Street, Suite 201
New York, NY 10036-3803
Telephone: 212.307.4444
Facsimile: 212.307.0247
Cell: 917.453.9376
E-Mail: carlpers@ix.netcom.com

Counsel for Defendant, Ellen Emerson dba
Hondabeat.com

Theresa M. Gillis, Esq.
Jones Day
222 East 41st Street
New York, NY 10017-6702
Telephone: 212.326.3939
Facsimile: 212.755.7306
Direct: 212.326.3679
E-Mail: tmgillis@jonesday.com

Counsel for Defendant, The Timken Company

George Cacoulidis, Esq.
Attorney at Law
590 Madison Avenue, 21st Floor
New York, NY 10022
Telephone: 212.521.4430
Facsimile: 212.521.4431
E-Mail: george@cacoulidis.com

Counsel for Defendant, American Le Mans
Series LLC

James Rosenfeld, Esq.
Davis Wright Tremaine LLP
1633 Broadway
New York, NY 10019-6708
Direct: 212.603.6455
Main: 212.489.8230
Facsimile: 212.489.8340
E-Mail: jamesrosenfeld@dwt.com

Counsel for Defendant, Gawker Media LCC

Richard Soto, Esq.
Hunton & Williams LLP
200 Park Avenue
New York, NY 10166-0136
Direct: 212.309.1054
Main: 212.309.1000
Facsimile: 212.309.1100
E-Mail: rsoto@hunton.com

Counsel for Defendant, Times Publishing Company

Margaret A. Dale, Esq.
Proskauer Rose LLP
1585 Broadway
New York, NY 10036-8299
Telephone: 212.969.33150
Facsimile: 212.969.2900
E-Mail: mdale@proskauer.com

Counsel for Defendant, America Honda Motor Co., Inc.

Mark Fowler, Esq.
Satterlee Stephens Burke & Burke LLP
230 Park Avenue
New York, NY 10169
Telephone: 212.818.9200
Facsimile: 212.818.9606, 07 – Fax
E-Mail: mfowler@ssb.com

Counsel for Defendant, Gannett Co., Inc.

Michael H. Gottschlich, Esq.
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204-3535
Telephone: 317.236.1313
Facsimile: 317.231.7834
E-Mail: mgottsch@btlaw.com

Counsel for Defendant, Table Moose Media

Andrew B. Lachow, Esq.
Deputy General Counsel
Time, Inc.
Time & Life Building
1271 Avenue of the Americas
New York, NY 10020-1393
Telephone: 212.522.8307
Facsimile: 212.467.0860
E-Mail: andrew_lachow@timeinc.com

Counsel for Defendants, Time Inc., Sports Illustrated and People Magazine

Courtesy Copy Via E-Mail:

Richard E. Haftel, Esq.
Haftel & Silverman, P.C.
260 Madison Avenue, 17th Floor
New York, NY 10016
Telephone: 212.686.3100
Facsimile: 212.686.3151
E-Mail: haftel@haftel.com

Co-Counsel for Defendants Rahal Letterman
Racing Bobby Rahal Automotive

H. Ritchey Hollenbaugh, Esq.
Carlile Patchen & Murphy LLP
366 East Broad Street
Columbus, Ohio 43215
Telephone: 614.628.0804
Facsimile: 614.221.0216
E-Mail: hrh@cpmlaw.com

Co-Counsel for Defendants Rahal Letterman
Racing Bobby Rahal Automotive